

5 JAMES R. CARROLL (*PRO HAC VICE*)  
DAVID S. CLANCY (*PRO HAC VICE*)  
6 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
One Beacon Street, 31st Floor  
7 Boston, Massachusetts 02108  
Telephone: (617) 573-4800  
8 Facsimile: (617) 573-4822  
Email: James.Carroll@skadden.com  
9 Email: David.Clancy@skadden.com

10 Attorneys for Defendant  
Conseco Life Insurance Company

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

15		)	MDL DOCKET NO.: 10-CV-2124-SI
16		)	ALL CASES
17	IN RE CONSECO LIFE INSURANCE	)	
	COMPANY LIFETREND INSURANCE	)	
18	SALES AND MARKETING LITIGATION	)	<b>STIPULATION AND [PROPOSED]</b>
		)	<b>ORDER CONCERNING DISCOVERY</b>
19		)	<b>AND CASE SCHEDULE</b>
20		)	
		)	

1 Pursuant to the Court's direction at the case management conference on March 12, 2010,  
2 Plaintiffs Cedric Brady, Dr. Charles Hovden, Dr. Marion Hovden, Dr. Eugene Kreps, Dr. John  
3 McNamara, Dr. Hisaji Sakai, Jean Sakai and Bill W. McFarland ("Plaintiffs") and defendant  
4 Conseco Life Insurance Company ("Conseco Life") (together, the "Parties") HEREBY  
5 STIPULATE AND AGREE as follows:

6 1. Conseco Life's opposition to Plaintiffs' motion for class certification (filed on March  
7 11, 2010) shall be filed no later than April 22, 2010;

8 2. Plaintiffs' reply in further support of their motion for class certification shall be filed  
9 no later than May 13, 2010;

10 3. The Court shall hear argument on Plaintiffs' motion for class certification on June 4,  
11 2010, as previously ordered (Docket No. 12);

12 4. Each side is permitted to take no more than twenty (20) depositions of fact  
13 witnesses, including those depositions already taken by any party on the date of this stipulation. In  
14 addition to fact witness depositions, each side shall be permitted to take the deposition of the expert  
15 witnesses designated by the other side;

16 5. Each side is permitted to serve on the other side thirty-two (32) interrogatories,  
17 including those already served.

18 6. Fact discovery on all issues shall close on October 29, 2010;

19 7. The parties shall identify any expert witnesses whose opinions, reports or testimony  
20 may be used at trial and provide a general statement of the topics about which each expert is  
21 expected to testify on October 29, 2010;

22 8. All reports of expert witnesses shall be due no later than November 19, 2010;

23 9. Rebuttal expert reports, if any, shall be provided no later than December 21, 2010;

24 10. Expert discovery on all issues shall close on January 28, 2011;

25 11. Dispositive motions, if any, shall be filed no later than February 18, 2011;

26 12. Oppositions to dispositive motions shall be filed no later than March 18, 2011;

27 13. Replies in support of dispositive motions shall be filed no later than April 1, 2011;

28 14. The final pretrial conference shall be scheduled at the Court's convenience;

15. Trial shall begin on May 23, 2011;

16. Upon showing of good cause, a party may seek to modify the schedule or limits on discovery set forth in this Order.

17. All future filings related to *Brady v. Conseco, Inc., et al.*, Case No. 08-5746-SI (N.D. Cal.); *McFarland v. Conseco Life Insurance Co., et al.*, Case No. 10-0652-SI (N.D. Cal.) and *Muldrow v. Conseco Life Insurance Co., et al.*, Case No. 10-0689-SI (N.D. Cal.) shall be made under MDL Docket Number 10-cv-2124-SI, and the parties shall request that the Court administratively close the three other above-mentioned pending cases.

DATED: March 16, 2010

Millstein & Associates

By: /s/ David J. Millstein  
David J. Millstein  
Attorneys for the Brady Plaintiffs

DATED: March 16, 2010

Gilbert LLP

By: /s/ August J. Matteis, Jr.  
August J. Matteis, Jr.  
Attorneys for the Brady Plaintiffs

DATED: March 16, 2010

Berman DeValerio

By: /s/ Michael Pucillo  
Michael Pucillo  
Joseph J. Tabacco  
Chris Heffelfinger

Attorneys for Plaintiff McFarland

DATED: March 16, 2010

Skadden, Arps, Slate, Meagher & Flom LLP

By: /s/ James R. Carroll  
Raoul D. Kennedy  
James R. Carroll (Admitted *Pro Hac Vice*)  
David S. Clancy (Admitted *Pro Hac Vice*)

Attorneys for Defendant  
Conseco Life Insurance Company

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, James R. Carroll, am the ECF User whose ID and password are being used to file this Stipulation And Proposed Order. In compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of March, 2010, at Boston, Massachusetts.

By: /s/ James R. Carroll  
James R. Carroll

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated:

By:   
Hon. Susan Illston